

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

BALVINDER SINGH,

Plaintiff,

-against-

SHARIFF CONSTRUCTION,

Defendant.

07CV5545 (SAS)

ECF Case

REQUEST TO ENTER DEFAULT

**TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
VIA ECF**

Plaintiff Balvinder Singh respectfully requests the entry of default of the Defendant **SHARIFF CONSTRUCTION** pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned matter as fully appears from the Court file herein and from the attached Certification of Tushar J. Sheth.

Dated: New York, New York
October 29, 2007

**ASIAN AMERICAN LEGAL DEFENSE
AND EDUCATION FUND**

/s/ Tushar J. Sheth

Tushar J. Sheth
99 Hudson Street, 12th Floor
New York, New York 10013
212-966-5932

Attorneys for Plaintiff Balvinder Singh

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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**CERTIFICATION OF TUSHAR J. SHETH
IN SUPPORT OF REQUEST TO ENTER
DEFAULT**

I, TUSHAR J. SHETH, of full age and under penalty of perjury, certify as follows:

1. I am an attorney at law duly admitted to practice in the State of New York and the United States District Court for the Southern District of New York, and the Eastern District of New York.

2. I am a Staff Attorney with the Asian American Legal Defense and Education Fund, counsel for Plaintiff Balvinder Singh in this matter and am familiar with the facts set forth in this Certification.

3. This Certification is respectfully submitted in support of the entry of a Notation of a Default in Appearance by Defendant Shariff Construction.

4. This action was commenced on June 11, 2007 by the filing of the Complaint.

5. On the same day, a Summons was issued against the Defendant.

6. The Summons and Complaint were served on Defendant Shariff Construction on July 30, 2007 by service upon the New York Secretary of State. A true copy of the Affidavit of Service is annexed here as Exhibit "A".

7. The time for Defendant Shariff Construction to appear or otherwise respond to the Complaint of the Plaintiff has expired and Defendant is now in default of appearance pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

8. As a result, of the foregoing, Plaintiff respectfully requests that the Clerk of the Court enter a Notation of Default on the record in the form annexed here as Exhibit "B".

Dated: New York, New York
October 29, 2007

/s/ Tushar J. Sheth
Tushar J. Sheth (TS5672)

EXHIBIT “A”

BALVINDER SINGH

Plaintiff(s)

- against -

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SHARIFF CONSTRUCTION

Purchased June 11, 2007

Defendant(s)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK: COUNTY OF NEW YORK ss:

STEVEN C. AVERY BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY TO THIS ACTION, OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on July 30, 2007 at 11:15 AM at

SECRETARY OF STATE
ALBANY, NY

deponent served the within SUMMONS AND COMPLAINT on SHARIFF CONSTRUCTION CORP. S/H/A SHARIFF CONSTRUCTION therein named,

SECRETARY OF STATE a Domestic corporation by delivering two true copies to CAROL VOGT, LEGAL CLERK personally, deponent knew said corporation so served to be the corporation described in said summons as said Defendant and knew said individual to be AUTHORIZED to accept thereof.

Service upon the N.Y.S. Secretary of State under Section 306 of the Business Corporation Law and tendering the required fee.

Deponent further states that he describes the person actually served as follows:

Sex	Skin Color	Hair Color	Age (Approx.)	Height (Approx.)	Weight (Approx)
FEMALE	WHITE	BLACK	45	5'4	140

That at the time of such service deponent knew the person so served as aforesaid to be the same person mentioned and described as the Defendant in this action.

Sworn to me on: July 31, 2007

JOEL GRABER
Notary Public, State of New York
No. 02GR4699723
Qualified in New York County
Comm. Expires February 10, 2010

MICHAEL SMITH
Notary Public, State of New York
No. 01SM4997428
Qualified in New York County
Comm. Expires June 8, 2010

JONATHAN GRABER
Notary Public, State of New York
No. 01GR6156780
Qualified in New York County
Comm. Expires December 4, 2010

STEVEN C. AVERY

Invoice #: 442764

EXHIBIT “B”

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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Plaintiff,

-against-

SHARIFF CONSTRUCTION,

Defendant.

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NOTATION OF DEFAULT

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the Defendant **SHARIFF CONSTRUCTION** has not filed an answer or otherwise moved with respect to the Complaint herein. The default of the Defendant **SHARIFF CONSTRUCTION** is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: New York, New York
October 29, 2007

J.MICHAEL McMAHON
Clerk of the Court

By: _____
Deputy Clerk